

<i>SERFF Tracking Number:</i>	<i>WESA-125537979</i>	<i>State:</i>	<i>Arkansas</i>
<i>Filing Company:</i>	<i>Darwin National Assurance Company</i>	<i>State Tracking Number:</i>	<i>#? \$?</i>
<i>Company Tracking Number:</i>	<i>2008-7001-R</i>		
<i>TOI:</i>	<i>17.0 Other Liability - Claims Made/Occurrence</i>	<i>Sub-TOI:</i>	<i>17.0020 Commercial Umbrella & Excess</i>
<i>Product Name:</i>	<i>Commercial Excess Follow Form - New Product</i>		
<i>Project Name/Number:</i>	<i>Submission of Commercial Excess Follow Form - New Product/2008-7001</i>		

Filing at a Glance

Company: Darwin National Assurance Company

Product Name: Commercial Excess Follow Form - New Product
 SERFF Tr Num: WESA-125537979 State: Arkansas

TOI: 17.0 Other Liability - Claims Made/Occurrence
 SERFF Status: Closed State Tr Num: #? \$?

Sub-TOI: 17.0020 Commercial Umbrella & Excess
 Co Tr Num: 2008-7001-R State Status: Fees verified and received

Filing Type: Rate/Rule
 Co Status: Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding

Authors: Westmont Associates, Wesley Pohler
 Disposition Date: 03/17/2008

Date Submitted: 03/14/2008
 Disposition Status: Exempt from Review

Effective Date Requested (New): On Approval

Effective Date (New):

Effective Date Requested (Renewal): On Approval

Effective Date (Renewal):

State Filing Description:

Exempt from review - no fees required.

General Information

Project Name: Submission of Commercial Excess Follow Form - New Product
 Status of Filing in Domicile: Pending

Project Number: 2008-7001

Domicile Status Comments: Pending in DE

Reference Organization: None

Reference Number: None

Reference Title: None

Advisory Org. Circular: None

Filing Status Changed: 03/17/2008

State Status Changed: 03/17/2008

Deemer Date:

Corresponding Filing Tracking Number:

Filing Description:

Enclosed please find attached Darwin National Assurance Company's ("Darwin") Excess Liability – Follow Form submission for your review and approval. This is a new filing and does not replace any forms, rates or rules currently on

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file in your jurisdiction. A letter permitting Westmont Associates, Inc. to submit this filing on Darwin's behalf is enclosed.

Darwin is filing to introduce its Excess Liability – Follow Form product which will be used to provide insurance excess of underlying insurance on a follow form basis. This product can be written over various types of underlying Other Liability insurance coverages including, but not limited to, Directors and Officers Liability Insurance, Miscellaneous Professional Liability Insurance, Lawyers Professional Liability Insurance, Employment Practices Liability Insurance. The terms and conditions of coverage will apply in conformance with the underlying provisions of the followed policy unless endorsed or stated otherwise in our Excess Insurance Policy. Rates are determined as outlined in the attached rate pages and may be based on premiums for the underlying followed policy.

This is a new product for Darwin and we believe that the rating methodology results in premiums that are adequate, not excessive, and not unfairly discriminatory. As a new product, there is no rate impact to any existing insured.

Company and Contact

Filing Contact Information

(This filing was made by a third party - westmontassociatesinc)

Wesley Pohler, AVP	wes@westmontlaw.com
25 Chestnut Street	(856) 216-0220 [Phone]
Haddonfield, NJ 08033	(856) 216-0303[FAX]

Filing Company Information

Darwin National Assurance Company	CoCode: 16624	State of Domicile: Delaware
9 Farm Springs Road	Group Code:	Company Type: Property and Casualty
Farmington, CT 06032	Group Name:	State ID Number:
(860) 284-1300 ext. [Phone]	FEIN Number: 56-0997452	

Filing Fees

Fee Required?	Yes
Fee Amount:	\$100.00
Retaliatory?	No
Fee Explanation:	AR Fee - \$100

<i>SERFF Tracking Number:</i>	<i>WESA-125537979</i>	<i>State:</i>	<i>Arkansas</i>
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<i>Company Tracking Number:</i>	<i>2008-7001-R</i>		
<i>TOI:</i>	<i>17.0 Other Liability - Claims Made/Occurrence</i>	<i>Sub-TOI:</i>	<i>17.0020 Commercial Umbrella & Excess</i>
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Per Company:	No		

SERFF Tracking Number: WESA-125537979 State: Arkansas
Filing Company: Darwin National Assurance Company State Tracking Number: #? \$?
Company Tracking Number: 2008-7001-R
TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0020 Commercial Umbrella & Excess
Product Name: Commercial Excess Follow Form - New Product
Project Name/Number: Submission of Commercial Excess Follow Form - New Product/2008-7001

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Darwin National Assurance Company	\$0.00	03/14/2008	

CHECK NUMBER	CHECK AMOUNT	CHECK DATE
27441	\$100.00	03/12/2008

SERFF Tracking Number: *WESA-125537979* *State:* *Arkansas*
Filing Company: *Darwin National Assurance Company* *State Tracking Number:* *#? \$?*
Company Tracking Number: *2008-7001-R*
TOI: *17.0 Other Liability - Claims Made/Occurrence* *Sub-TOI:* *17.0020 Commercial Umbrella & Excess*
Product Name: *Commercial Excess Follow Form - New Product*
Project Name/Number: *Submission of Commercial Excess Follow Form - New Product/2008-7001*

Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Exempt from Review	Edith Roberts	03/17/2008	03/17/2008

SERFF Tracking Number:	WESA-125537979	State:	Arkansas
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TOI:	17.0 Other Liability - Claims Made/Occurrence	Sub-TOI:	17.0020 Commercial Umbrella & Excess
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Disposition

Disposition Date: 03/17/2008

Effective Date (New):

Effective Date (Renewal):

Status: Exempt from Review

Comment:

Company Name:	Overall % Rate Impact:	Written Premium Change for this Program:	# of Policy Holders Affected for this Program:	Premium:	Maximum % Change (where required):	Minimum % Change (where required):	Overall % Indicated Change:
Darwin National Assurance Company	0.000%	\$0	0	\$0	0.000%	0.000%	0.000%

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Cover Letter - AR	Accepted for Informational Purposes	Yes
Supporting Document	Letter of Authorization	Accepted for Informational Purposes	Yes
Rate	Excess Rating Plan	Accepted for Informational Purposes	Yes

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Rate Information

Rate data applies to filing.

Filing Method:	File and Use
Rate Change Type:	Neutral
Overall Percentage of Last Rate Revision:	Neutral
Effective Date of Last Rate Revision:	
Filing Method of Last Filing:	None

Company Rate Information

Company Name:	Overall % Indicated Change:	Overall % Rate Impact:	Written Premium Change for this Program:	# of Policy Holders Affected for this Program:	Premium:	Maximum % Change (where required):	Minimum % Change (where required):
Darwin National Assurance Company	0.000%	0.000%	\$0	0	\$0	0.000%	0.000%

SERFF Tracking Number: WESA-125537979 State: Arkansas

Filing Company: Darwin National Assurance Company State Tracking Number: #? \$?

Company Tracking Number: 2008-7001-R

TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0020 Commercial Umbrella & Excess

Product Name: Commercial Excess Follow Form - New Product

Project Name/Number: Submission of Commercial Excess Follow Form - New Product/2008-7001

Rate/Rule Schedule

Review Status:	Exhibit Name:	Rule # or Page #:	Rate Action	Previous State Filing Attachments Number:
Accepted for Informational Purposes	Excess Rating Plan	Pages 1 through 2	New	Darwin Excess Rating Plan (2008-01 V6a)_40 percent.pdf

Darwin National Assurance Company

Darwin National Assurance Company (“Darwin”) introduces the “Excess Insurance Policy”, a product used to provide insurance excess of underlying insurance on a follow form basis. This product can be written over various types of underlying Other Liability insurance coverages including, but not limited to, Directors and Officers Liability Insurance, Miscellaneous Professional Liability Insurance, Lawyers Professional Liability Insurance, Employment Practices Liability Insurance. The terms and conditions of coverage will apply in conformance with the underlying provisions of the followed policy unless endorsed or stated otherwise in our Excess Insurance Policy. Rates are determined as outlined below and may be based on premiums for the underlying followed policy.

This is a new product for Darwin and we believe that the following rating methodology results in premiums that are adequate, not excessive, and not unfairly discriminatory. As a new product, there is no rate impact to any existing insured.

On risks where Darwin does not write the primary or underlying limits, the pricing parameters are at the underwriter’s discretion based on an analysis of the type of risk, loss experience, management controls, at what layer in the overall program we are attaching, the size of the layer limit offered, etc.

1. Base Premium

The base premium for our Excess Insurance coverage will be a percentage of the rate per million for the layer immediately preceding the attachment of our coverage:

- When Darwin is the first excess layer (the immediately preceding layer is a primary layer)
 - Use 50-90% when underlying product is Public Directors & Officers Liability;
 - Use 20-60% for all other products;
- When the immediately preceding layer is also an excess layer, use 60-100%

The Excess Insurance base premium will be determined as follows:

$$((\text{Pricing of Preceding Layer} / \text{Total Limits of Preceding Layer}) \times 1,000,000) \times \text{Percentage} \times (\text{Limits in millions Offered in Excess Insurance Layer})$$

Example: Pricing a \$5,000,000 limit attaching at \$25,000,000 over a preceding layer, priced at \$200,000, of \$10,000,000 attaching at \$15,000,000. Before applying any modifiers, the base premium would be calculated as:

$$((\$200,000 / 10,000,000) \times 1,000,000) \times .80 \times 5 = \$80,000$$

2. Underlying Coverage & Structure Modification

The following multiplicative factors modify the result of the calculation in Step 1 above. These factors adjust the premium to recognize how coverage or structure characteristics of the underlying policy affect the exposure to loss of the excess layer(s).

Underlying Coverage Modification To modify the premium for unique features of the underlying coverage (i.e., exclusions or lack thereof that may increase or decrease exposure to excess layers).	0.75 – 1.25
Underlying Structure Modification To modify the premium for unique features of the underlying program structure (i.e., defense expense treatment or other features that would cause an underlying limit to erode faster or slower).	0.75 – 1.25

3. **Schedule Rating Modification Factors**

Scheduled Rating Modifiers may be applied to the risk as outlined below at the underwriter's discretion. The maximum schedule rating modification factor would be $\pm 40\%$.

Schedule Rating Modifier	Factor
1. Claim History	0.75 – 1.25
2. Financial Strength	0.75 – 1.25
3. Class of Business	0.75 – 1.25
4. Unusual Risk not otherwise reflected	0.75 – 1.25

If a risk represents unusual exposures or risks, or if the application of the above rating methodology results in inequitable or insufficient premium, individual risk rating will be applied to the extent allowed.

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Supporting Document Schedules

Satisfied -Name: Cover Letter - AR
Review Status: Accepted for Informational Purposes 03/17/2008

Comments:
Attached is the AR cover letter.

Attachment:
Cover Letter - Darwin New Program - Rates.pdf

Satisfied -Name: Letter of Authorization
Review Status: Accepted for Informational Purposes 03/17/2008

Comments:
Attached is the letter of authorization.

Attachment:
Filing Authorization Letter (signed).pdf



March 11, 2008

Department of Insurance
Property and Casualty Division
Form and Rate Filings Review

RE: **Darwin National Assurance Company/NAIC #: 0501-16624/FEIN #: 56-0997452**
Excess Liability - Follow Form
New Submission –Rate Filing
Company Filing #: 2008-7001-R
Effective Date: Upon Earliest Possible Approval

To Whom It May Concern:

Enclosed please find attached Darwin National Assurance Company's ("Darwin") Excess Liability – Follow Form submission for your review and approval. This is a new filing and does not replace any rates or rules currently on file in your jurisdiction. A letter permitting Westmont Associates, Inc. to submit this filing on Darwin's behalf is enclosed.

Darwin is filing to introduce its Excess Liability – Follow Form product which will be used to provide insurance excess of underlying insurance on a follow form basis. This product can be written over various types of underlying Other Liability insurance coverages including, but not limited to, Directors and Officers Liability Insurance, Miscellaneous Professional Liability Insurance, Lawyers Professional Liability Insurance, Employment Practices Liability Insurance. The terms and conditions of coverage will apply in conformance with the underlying provisions of the followed policy unless endorsed or stated otherwise in the Excess Insurance Policy. Rates are determined as outlined in the attached rate pages and may be based on premiums for the underlying followed policy.

This is a new product for Darwin and we believe that the rating methodology results in premiums that are adequate, not excessive, and not unfairly discriminatory. As a new product, there is no rate impact to any existing insured.

The forms to be used with the enclosed rates have been filed under separate cover letter as Company filing number 2008-7001-F.

Your approval and/or acknowledgement of this submission is respectfully requested. Thank you for your attention to this matter.

Respectfully submitted,

Wesley Pohler

Wesley Pohler
Assistant Vice President
wes@westmontlaw.com

Enclosures

cc: N. Stepanski
M. McDonald



9 Farm Springs Road
Farmington, Connecticut 06032
www.darwinpro.com

January 9, 2008

Re: Darwin National Assurance Company
NAIC #: 16624
FEIN #: 56-0997452
Letter of Authorization
Filing of Forms, Rates and Rules

I, Mark I. Rosen, am a duly appointed authorized officer of Darwin National Assurance Company ("Darwin"). In accordance with the applicable statutes and regulations of your state, this letter authorizes Wesley Pohler and Westmont Associates, Inc. to act on Darwin's behalf for the purpose of filing Darwin's forms, rules and rates, and responding to any Insurance Department questions or comments in connection with such filing.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark I. Rosen". The signature is written in a cursive, flowing style.

Mark I. Rosen
Secretary